

Remarks

Claim 1 and withdrawn claim 9 have been amended to recite that the melting point difference between the first and second polymers is less than 10 °C. Support for this amendment can be found in Applicants' specification at, *inter alia*, paragraph [0015] of the published application. Accordingly, Applicants submit that no prohibited new matter has been added by the amendment to the claims.

1. Rejection under 35 U.S.C. 102(b)

A. Bruner

Claim 1 is rejected as allegedly anticipated by US 20030005997 to Bruner as asserted on page 2 of the Office Action.

Applicants submit that claim 1 as amended, recites that the melting point difference between the first and second polymers is less than 10 °C. In contrast, Bruner describes a sheath-core arrangement, wherein the melting point temperature of the sheath is at least about 10 °C lower than the melting point temperature of the core. Because there is no overlap between the teaching of Bruner and Applicants' claims, Bruner cannot anticipate Applicants' claims. Applicants therefore respectfully request that this rejection be withdrawn.

B. Asher '608

Claims 1, 2, 4, 6 and 8 are rejected as allegedly anticipated by US 5,776,608 to Asher as asserted on page 3 of the Office Action. The Examiner points to Examples 1 and 2 of Asher '608 as describing a PET core and a PBT sheath and asserts that the melting point difference between the PET and PBT would inherently meet the requirements of Applicants' claim 1 since claim 1 allegedly encompasses an identical structure.

Applicants point out that claim 4 is currently designated by the Examiner as withdrawn and therefore should not be included in this rejection. Applicants submit that Asher '608 does not describe the dual requirements of Applicants' claim 1 that (1) the first polyester and the second polyester are not the same and (2) the difference between the melting temperature of the

first polyester and the melting temperature of the second polyester is less than 10°C. Applicants' claims don't encompass a PET core and a PBT sheath because such a structure does not meet the requirement of claim 1 that the melting point difference between the first polymer and the second polymer is less than 10 °C. Claim 1 of Asher '608 appears to recite a sheath-core structure in which the polymer (a blend of PBT and PET) is the same for both the sheath and core. Such a structure does not satisfy Applicants' claim 1 requirement that the first polyester and the second polyester are not the same. Therefore, Asher '608 does not anticipate Applicants' claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

C. Asher '148

Claims 1, 2, 4, 6 and 8 are rejected as allegedly anticipated by US 5,698,148 to Asher as asserted on page 3 of the Office Action.

Applicants point out that claim 4 is currently designated by the Examiner as withdrawn and therefore should not be included in this rejection. Applicants note that Asher '148 has an identical specification (excluding the claims) to that of Asher '608 (due to Asher '608 being a divisional application of Asher '148). Therefore, Applicants submit that Asher '148 does not anticipate Applicants' claims for the same reasons discussed in Section B above. Further, claim 1 appears to recite a sheath-core structure in which the polymer is the same for both the sheath and core. Such a structure does not satisfy Applicants' claim 1 requirement that the first polyester and the second polyester are not the same. Therefore, Asher '148 does not anticipate Applicants' claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

D. Breznak '094

Claims 1, 2, 4, 6 and 8 are rejected as allegedly anticipated by US 6,242,094 to Breznak as asserted on page 3 of the Office Action. The Examiner points to claims 1, 7, 10, 11, 12 and 13 of Breznak '094 as describing a PET core and a PBT sheath and asserts that the melting point difference between the PET and PBT would inherently meet the requirements of Applicants' claim 1 since claim 1 allegedly encompasses an identical structure.

Applicants point out that claim 4 is currently designated by the Examiner as withdrawn and therefore should not be included in this rejection. Applicants submit that Breznak '094 does not describe the dual requirements of Applicants' claim 1 that (1) the first polyester and the second polyester are not the same and (2) the difference between the melting temperature of the first polyester and the melting temperature of the second polyester is less than 10°C. Applicants' claims don't encompass a PET core and a PBT sheath because such a structure does not meet the requirement of claim 1 that the melting point difference between the first polymer and the second polymer is less than 10 °C. In fact, Breznak '094 clearly states that "[t]he first polymer melts at a temperature at least 20 C. higher than the second polymer and preferably at least 30 °C higher (col. 1, lines 61-63). Claims 2 and 3 of Breznak '094 continue this teaching by requiring that the melting point differences be "at least 30° C.". Therefore, Breznak '094 does not anticipate Applicants' claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

E. Breznak '506

Claims 1, 2, 4, 6 and 8 are rejected as allegedly anticipated by US 5,916,506 to Breznak as asserted on page 4 of the Office Action.

Applicants point out that claim 4 is currently designated by the Examiner as withdrawn and therefore should not be included in this rejection. Applicants note that Breznak '506 has an identical specification (excluding the claims) to that of Breznak '094 (due to Breznak '094 being a divisional application of Breznak '506). Therefore, Applicants submit that Breznak '506 does not anticipate Applicants' claims for the same reasons discussed in Section D above. Further, claim 1 of Breznak '506 explicitly requires a melting point difference between first and second polymers of at least 20° C. Therefore, Breznak '506 does not anticipate Applicants' claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

2. Rejection under 35 U.S.C. 102(e)

Claims 1, 2, 3 and 8 are rejected as allegedly anticipated by US 6,710,242 to Iguro as asserted on page 4 of the Office Action.

Applicants submit that Iguro does not describe the dual requirements of Applicants' claim 1 that (1) the first polyester and the second polyester are not the same and (2) the difference between the melting temperature of the first polyester and the melting temperature of the second polyester is less than 10°C. Instead, Iguro requires that the described sheath-core configuration satisfies the relationship $r/R \leq 0.03$, where R is the radius of the inscribed circle of the sheath component and r is the distance between the centers of the inscribed circles of the sheath and core components. Of the seven examples (1-1, 1-2, 1-3, 1-4, 2-1, 2-2 and 2-3) described in D1, the following is observed: Examples 1-1, 2-1, 2-2 and 2-3 describe a PET-co-isophthalic acid sheath and a pure PET core. While the sheath and core components are different, there is no indication that the difference between the melting temperatures of these components is not more than 10°C. On the contrary, Applicants submit that the difference is likely greater than 20°C. Example 1-2 describes a nylon 12 sheath and a nylon 12 core. While this arrangement satisfies the requirement that the difference between the melting temperatures of the two components is not more than 10°C (in fact, the difference is zero in view of the components being identical), the arrangement fails to satisfy the second requirement of Applicants' claims that the first and second components are different. Example 1-3 describes a nylon 6 sheath and a nylon 6 core. This example fails to satisfy Applicants' claim requirements for the same reason as previously discussed for Example 1-2. Example 1-4 describes a polyethylene terephthalate-PEG copolymer sheath and a pure PET core. While the two components are different, there is no indication that the difference between the melting temperatures of these components is not more than 10°C. On the contrary, Applicants submit that the difference is likely greater than 20°C. Iguro also describes seven comparative examples (1-1, 1-2, 1-3, 1-4, 2-1, 2-2 and 2-3), none of which satisfy the dual requirements of Applicants' claim 1. The Examiner appears to focus on claims 1 and 4 of Iguro. Neither of these claims teaches Applicants' above-mentioned dual requirements. In view of the above, Applicants submit that Iguro does not anticipate Applicants' claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

3. Rejection under 35 U.S.C. 103(a)

Claim 3 is rejected as allegedly obvious in view of Breznak '506 or Breznak '094 or Asher '148 or Asher '608 in view of Iguro for the reasons asserted on page 5 of the Office Action.

Applicants submit that as discussed above, neither Breznak '506, Breznak '094, Asher '148 nor Asher '608 teaches or suggests the dual requirements of Applicants' claim 1 that (1) the first polyester and the second polyester are not the same and (2) the difference between the melting temperature of the first polyester and the melting temperature of the second polyester is less than 10°C. Applicants point out that a PBT sheath and a PET core do not satisfy Applicants' requirement that the difference between the melting temperature of the first polyester and the melting temperature of the second polyester is less than 10°C. In fact, Applicants submit that such a combination has a melting temperature difference of at least 20 °C. Evidence for this submission may be found in claim 1 of Breznak '506, where it is explicitly required that the differences between the recited first and second polymers is at least 20 °C. Claim 9 of Breznak '506, which depends from claim 1, requires that the first polymer is PET. Claim 10, which depends from claim 9, requires that the second polymer is PBT. Therefore, Breznak '506 teaches that the melting temperature difference between PBT and PET is at least 20 °C. Iguro cannot remedy the deficiencies present in Breznak 506, Breznak '094, Asher '148 or Asher '608. Accordingly, the Examiner has not presented a *prima facie* case of obviousness and Applicants therefore respectfully request that this rejection be withdrawn.

4. Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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